



Entered on Docket
November 25, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED IN WHOLE
OR IN PART UPON INVESTMENT IN
THE SHAMROCK TOWER LP LOAN**

Hearing Date: November 13, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the Third Omnibus Objection Of USACM Trust To
2 Proofs Of Claim Based In Whole Or In Part Upon Investment In The Shamrock Tower LP
3 Loan [DE 7633] (the “Objection”); the Court having heard the Objection on November 13,
4 2009; appropriate notice of the Objection having been given; no response to the Objection
5 having been filed; and good cause appearing:

6 **IT IS ORDERED:**

- 7 1. The Objection [DE 7633] is sustained; and
8 2. The claims listed on **Exhibit A** are disallowed to the extent they are based
9 upon a direct lender investment in the Shamrock Tower LP Loan.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles
14 John Hinderaker (*pro hac vice*)

15 *Attorneys for USACM Liquidating Trust*
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

**SHAMROCK LOAN
THIRD OMNIBUS OBJECTION**

**Exhibit A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Shamrock Tower LP Loan
10725-00245	Robert H. and Lynn R. Perlman Trust Dated 9/17/92	c/o Robert H. and Lynn R. Perlman Ttees 2877 Paradise Rd., Unit 3501 Las Vegas, NV 89109-5278	\$1,187,000.00	\$50,000.00
10725-01477	Karen L Pidgeon 2006 Living Trust Dated 2/27/06	c/o Karen L. Pidgeon Ttee P.O. Box 41619 Sacramento, CA 95841-1619	\$538,643.00	\$200,000.00
10725-01878	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448	\$10,451.54	Unknown
10725-01880	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448-2475	\$15,819.84	\$2,983.89
10725-02226	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448	\$4,884,068.70	\$200,000.00
10725-00138	Michael Raichbart	Joshua D Brysk Law Offices Of James G Schwartz 7901 Stoneridge Dr, Suite 401 Pleasanton, CA 94583	\$150,000.00	\$50,000.00
10725-02281	Roisentul Family Trust	Saul and Ilene Roisentul Trustees 74075 Kokopelli Cir Palm Desert, CA 92211-2075	\$840,536.32	\$100,000.00
10725-00274	Daniel and Virginia Salerno Family Trust Dtd 8/9/89	Daniel N. and Virginia P Salerno Ttees P.O. Box 7869 Incline Village, NV 89452-7869	\$212,026.22	\$114,244.75
10725-02106	T-2 Enterprises LLC	Manager Warren W Tripp 250 Greg St Sparks, NV 89431	\$811,713.52	\$150,000.00
10725-02107	T-3 Enterprises LLC	Manager Warren W. Tripp 250 Greg St Sparks, NV 89431	\$608,440.76	\$100,000.00